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By: **Senator Jacobs**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Harford County - Alcoholic Beverages Deluxe Restaurant License -**  
3                                   **Aberdeen**

4 FOR the purpose of authorizing in Harford County the issuance of Class BDR (deluxe  
5 restaurant) beer, wine and liquor licenses in the corporate limits of the  
6 Municipality of Aberdeen under certain circumstances; making certain technical  
7 changes; and generally relating to alcoholic beverages licenses in Harford  
8 County.

9 BY repealing and reenacting, without amendments,  
10 Article 2B - Alcoholic Beverages  
11 Section 6-201(n)(1)  
12 Annotated Code of Maryland  
13 (2001 Replacement Volume and 2002 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article 2B - Alcoholic Beverages  
16 Section 6-201(n)(6)  
17 Annotated Code of Maryland  
18 (2001 Replacement Volume and 2002 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21                                   **Article 2B - Alcoholic Beverages**

22 6-201.

23       (n)       (1)       This subsection applies only in Harford County.

24                   (6)       (i)       There is a special 7-day Class B (on-sale) license known as the  
25 Class BDR (deluxe restaurant) beer, wine and liquor license.

26                                   (ii)       The license may be issued only in accordance with the  
27 provisions of this paragraph.

1 (iii) A current holder of any type of Class B alcoholic beverages  
2 license issued in Harford County may apply for and be issued a Class BDR (beer, wine  
3 and liquor) license only if the restaurant for which the Class BDR license is sought is  
4 located within ONE OF the following [area] AREAS of Harford County:

5 1. All of election district 1, precincts 1, 3, 4, 5, 6, 10, 16, and  
6 1-45, as that election district and those precincts existed on January 1, 2001;

7 2. That [the] area of election district 1, precinct 2, as that  
8 election district and that precinct existed on January 1, 2001, that is south of a line  
9 that runs along the center of Philadelphia Road beginning at the Harford  
10 County-Baltimore County boundary line and ending at the intersection with Old  
11 Mountain Road; [and]

12 3. That area of election district 1, precinct 7, as that election  
13 district and that precinct existed on January 1, 2001, that is south of a line that runs  
14 along the center of Philadelphia Road beginning at Old Mountain Road and ending at  
15 Winter's Run, which is the creek that forms the eastern boundary of precinct 7 of  
16 election district 1; OR

17 4. THE AREA WITHIN THE CORPORATE LIMITS OF THE  
18 MUNICIPALITY OF ABERDEEN.

19 (iv) Subject to the provisions of subparagraph (v) of this paragraph,  
20 a person that does not currently hold any type of Class B alcoholic beverages license  
21 in Harford County may apply for and be issued a maximum of two Class BDR licenses  
22 as follows:

23 1. A Class BDR license, regardless of the location of the  
24 restaurant in Harford County; and

25 2. One additional Class BDR license, but only if the license  
26 sought is for a restaurant that is located within ONE OF the following [area] AREAS  
27 in Harford County:

28 A. All of election district 1, precincts 1, 3, 4, 5, 6, 10, 16, and  
29 1-45, as that election district and those precincts existed on January 1, 2001;

30 B. That area of election district 1, precinct 2, as that  
31 ELECTION district and that precinct existed on January 1, 2001, that is south of a line  
32 that runs along the center of Philadelphia Road beginning at the Harford  
33 County-Baltimore County line and ending at the intersection with Old Mountain  
34 Road; [and]

35 C. That area of election district 1, precinct 7, as that election  
36 district and that precinct existed on January 1, 2001, that is south of a line that runs  
37 along the center of Philadelphia Road beginning at Old Mountain Road and ending at  
38 Winter's Run, which is the creek that forms the eastern boundary of precinct 7 of  
39 election district 1; OR

1 D. THE AREA WITHIN THE CORPORATE LIMITS OF THE  
2 MUNICIPALITY OF ABERDEEN.

3 (v) A person that has obtained a Class BDR license under  
4 subparagraph (iv)1 of this paragraph may not apply for and obtain any other Class B  
5 license other than a license obtained in accordance with subparagraph (iv)2 of this  
6 paragraph.

7 (vi) This license may only be issued to restaurants that:

8 1. Meet the definition requirements of "restaurant"  
9 established under the regulations of the Liquor Control Board;

10 2. Have a cocktail lounge or bar area seating capacity not  
11 exceeding 25% of the seating capacity for dining; and

12 3. Subject to subparagraph (vii) of this paragraph, have a  
13 minimum capital investment of \$800,000 exclusive of the cost of the land.

14 (vii) For purposes of subparagraph (vi) of this paragraph:

15 1. "Capital investment" means the amount paid to acquire  
16 property:

17 A. For a useful life of greater than 1 year; or

18 B. For a permanent improvement or betterment of the  
19 property that has a useful life greater than 1 year;

20 2. "Cost of land" includes:

21 A. The purchase price, taxes, and fees incidental to the  
22 purchase, including costs related to obtaining appropriate zoning and licensing;

23 B. The costs of site grading, preparation, paving, sidewalks,  
24 gutters, curbs, and landscaping; and

25 C. The cost of construction and installation of all utilities.

26 (viii) 1. If the applicant purchases or leases an existing building,  
27 the capital investment attributable to the cost of the land and improvements shall be  
28 based on the assessed value of the land and improvements in accordance with the  
29 records of the State Department of Assessments and Taxation at the time of purchase.

30 2. The capital investment in other than land or building  
31 shells shall also be evaluated at the fair market value at the time of purchase.

32 (ix) The annual licensee fee is \$5,000.

1                           (x)       The hours and days that a holder may exercise the privileges of  
2 sale under this license are the same as a Class B (on-sale) beer, wine and liquor  
3 license.

4                           (xi)       A Class BDR license may be issued in addition to any other  
5 alcoholic beverages license that the applicant holds.

6                           (xii)     The Liquor Control Board shall adopt regulations to issue the  
7 Class BDR license.

8       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2003.